Agenda



Arlington City Council Special Meeting

Council Briefing Room 101 W. Abram St., 3rd Floor

Tuesday, May 09, 2017 1:15 PM

- I. CALL TO ORDER
- II. <u>EXECUTIVE SESSION</u> (1:15 p.m.)

Discussion of matters permitted by the following sections of V.T.C.A., Government Code, Chapter 551:

- A. Section 551.071, CONSULTATION WITH ATTORNEY
- B. Section 551.072, **DELIBERATION REGARDING REAL PROPERTY**
 - The consideration of the use of eminent domain to condemn property.
 - a. Meadow Park Estates Drainage Improvements Afshin S. Ashrafian
 & Phuong Ngo, Project No. PWDR13003

A resolution ordering condemnation of a drainage easement in, over, across, and through 1,150 square feet of land, being a portion of land situated in Lot 6, Block 19, Meadow Park Estates, Section 3, an addition to the City of Arlington, Tarrant County, Texas; otherwise known as 2101 Botts Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent drainage easement and all necessary appurtenances thereto, and making connections therewith for the Meadow Park Estates Drainage Improvements project.

The lake level as of 8 a.m. Friday, May 5, 2017 was 548.59 feet.

- The Arlington City Hall is wheelchair accessible. For accommodations or sign interpretive services, please call 817-459-6100 no later than 24 hours in advance.
- Council meetings are broadcast live on Arlington's Government Channel and rebroadcast throughout the week at the following times:

 Afternoon meetings
 Evening Meetings

 Sunday
 1:00 p.m.
 6:00 p.m.

 Wednesday
 1:30 p.m.
 6:30 a.m.

 Saturday
 6:00 p.m.
 6:30 a.m.

- The Council agenda can be viewed on the City's website at <u>www.ArlingtonTX.gov</u>
- For a complete Arlington Government Channel program schedule, please visit www.ArlingtonTX.gov/Broadcast

2. The consideration of other real property items.

a. Abram Street (Cooper Street to Collins Street) – DCK Investments, LLC: Project No. PWST10009

A resolution authorizing a settlement for the acquisition of a street rightof-way easement in, over and through land being a portion of a tract of land located in the John Huitt Survey, Abstract No. 703; otherwise known as 406 West Abram Street, City of Arlington, Tarrant County, Texas.

b. Abram Street (Cooper Street to Collins Street) – Frazier Real Estate; Project No. PWST10009

A resolution authorizing a settlement for the acquisition of a street right-of-way easement and a temporary construction easement in, over and through land being a tract of land out of the John Huitt Survey, Abstract No. 703; otherwise known as 806 East Abram Street, City of Arlington, Tarrant County, Texas.

c. Consent to Assignment of Lease and Second Lease Amendment – EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 09-043

A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Second Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 12.4254 acres of land being Duncan Robinson Park, Fire Station No. 3, a portion of Tucker Boulevard, and Fielder Road Tracts.

d. Consent to Assignment of Lease and Second Lease Amendment –
EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy
Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund
XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 10-049

A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Second Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 57.5199 acres of land being Bob Cooke Linear Park, Hugh Smith Recreation Center, East Police Substation, Southeast Branch Library, Southeast Water Tower Site, Arkansas Lane Elevated Tank Site, Fire Station No. 2, Helen Wessler Park, Burl Wilkes Park, Sherry Street Right-of-Way, Collins Street Right-of-Way, and Browning Drive Right-of-Way Parcels, City of Arlington, Tarrant County, Texas.

- e. Consent to Assignment of Lease and Second Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIG, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 10-060

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Second Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy
 - Consent to Assignment of Lease and Second Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 60.09 acres of land being South Police Substation, Lynn Creek Linear Park and Right-of-Way Parcels, City of Arlington, Tarrant County, Texas.
- f. Consent to Assignment of Lease and Second Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 11-003

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Second Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 48.7571 acres of land being a portion of Bowman Branch Linear Park, Don Misenhimer Park and Other Tracts, City of Arlington, Tarrant County, Texas.
- g. Consent to Assignment of Lease and Third Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 11-001

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Third Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 25.1591 acres of land being Johnson Creek Linear Park, South Center Street and Cooper Street Right-of-Way Parcels, 1102 and 1104 North Center Street and a portion of 1220 Thannisch Drive, City of Arlington, Tarrant County, Texas.
- h. Consent to Assignment of Lease and Third Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIG, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 11-005

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Third Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 24.772 acres of land being F.J. Red Kane Park and 2404 Kuykendall Drive, City of Arlington, Tarrant County, Texas.

- i. Consent to Assignment of Lease and Fourth Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 09-048

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Fourth Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P., EV Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 26.54 acres of land being Westbound Exit Ramp (I-30/Lamar), Parkway Central Park, Cooper Street Surplus Properties, Right-of-Way Parcels, Fire Station No. 8 and Other Tract.
- j. Consent to Assignment of Lease and Fourth Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 09-050

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Fourth Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIG, L.P., Ev Properties, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 117.195 acres of land being a portion of Rush Creek Linear Park, Sublett Creek Linear Park, O.W. Fannin Natural Area, and Other Tracts, City of Arlington, Tarrant County, Texas.
- k. Consent to Assignment of Lease and Fourth Lease Amendment EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIC, L.P. and EV Properties, L.P.; Lease No. 08-015

 A resolution authorizing the City Manager, or his designee, to approve a Consent to Assignment of Lease and Fourth Lease Amendment of Oil and Gas Lease with EnerVest Energy Institutional Fund XIII-A, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., EnerVest Energy Institutional Fund XIII-WIB, L.P., Saddle Barnett Resources, LLC and the City of Arlington, relative to the production of natural gas under approximately 95.445 acres of land being Johnson Creek Linear Park, Doug Russell Park, College Hills Park, Senter Park and Arlington Cemetery Tracts, City of Arlington, Tarrant County, Texas.
- C. Section 551.087, **DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS**
 - 1. Offers of Incentives to Business Prospects.

- III. WORK SESSION (2:00 p.m. or upon adjournment of Executive Session, whichever is later)
 - A. Arlington Convention & Visitors Bureau Strategic Plan
 - B. South East Recreation Center

IV. <u>ISSUES SESSION</u>

- A. Discussion of committee meetings
 - 1. Transportation and Municipal Infrastructure Small Cell Design Manual
 - 2. Finance and Audit Update on Water and Sanitary Sewer Connection Infrastructure Financing Program
- B. Discussion of miscellaneous items
 - 1. Appointments to boards and commissions
 - 2. Evening Agenda items
 - 3. Issues relative to City and TXDOT projects
 - 4. Future Agenda Items
 - 5. Legislative Update



Presentation Agenda

OVERVIEW

- O Tourism Means Business
- O Strategic Destination Plan Purpose & Methodology
- O Destination Challenges & Visions
- O Arlington CVB Strategic Goals & Initiatives



14,000,000
TOURIST TRAVEL TO ARLINGTON ANNUALLY
+40% growth since 2010

TOURISM MEANS BUSINESS





STRATEGIC PLAN PURPOSE & VALUE

LONG TERM STRATEGIC ROAD MAP







STRATEGIC PLAN ALIGNMENT

STRATEGIC PLAN TO ANNUAL MARKETING/OPERATIONAL OUTCOMES

3 YEAR STRATEGIC PLAN

2016 - 2017

2017 - 2018

2018 - 2019

ANNUAL CVB DESTINATION MARKETING & BUSINESS PLAN

2016 - 2017

STRATEGIC PLAN METHODOLOGY

PROGRAM OF WORK



Secondary tourism marketing documentation review



DestinationNEXT tourism development and community relations survey & analysis

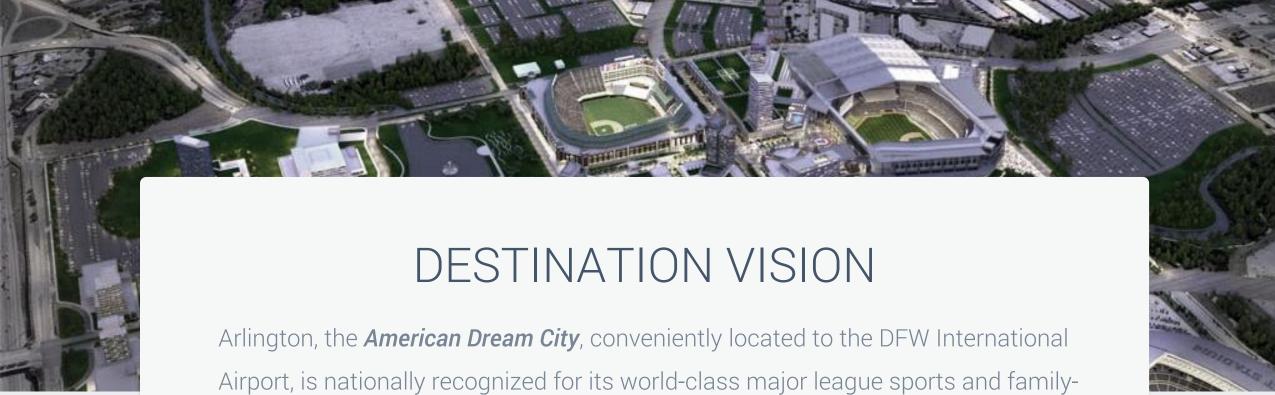


Over 12 Board of Directors & staff planning workshops and meetings

ARLINGTON CHALLENGES

DESTINATION & CONVENTION & VISITORS BUREAU

| • | BRAND & IDENTITY | To prepare and implement a differentiated destination brand strategy and aligned identity platform |
|----------|---------------------------------------|--|
| | CONVENTION CENTER & HOTEL DEVELOPMENT | To support an expanded Arlington Convention Center and adjoining hotel development |
| K | COMMUNITY ENGAGEMENT | To increase community and visitor industry stakeholder engagement |
| | PUBLIC TRANSPORTATION | To advocate for better accessible intermodal public transportation |
| | COMPETITIVE LEVEL FUNDING | To seek and acquire new private and public based CVB competitive level funding 243 |



Arlington, the *American Dream City*, conveniently located to the DFW International Airport, is nationally recognized for its world-class major league sports and family-themed entertainment attractions, uniquely specialized convention center, complementary full-service hotels, and spectacular signature events. With vibrant business districts and safe and diverse neighborhoods, an integrated city transportation system, and new technology park settings, it sets a dynamic and innovative pace as one of the top 10 welcoming urban business and leisure destinations in America.



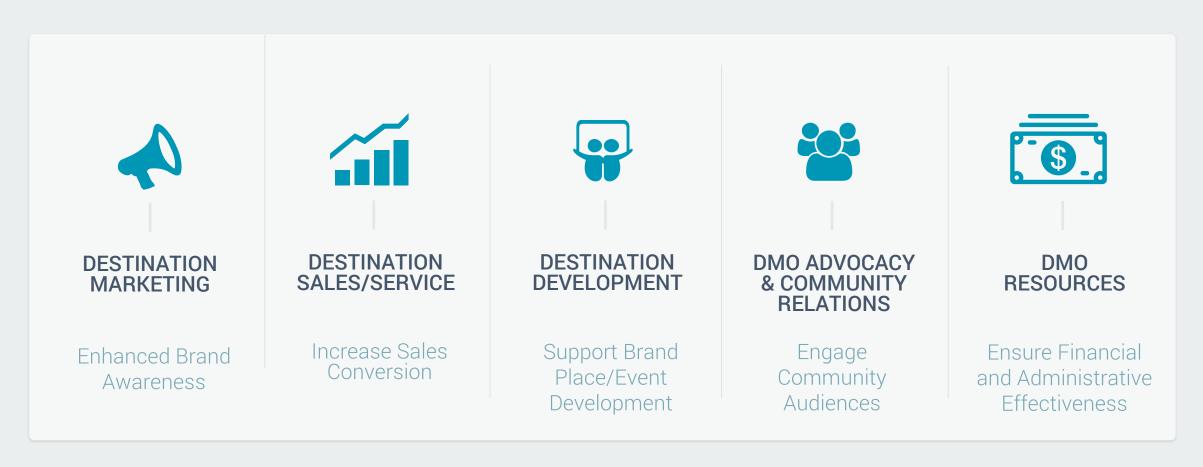
Through the lens of tourism, the Arlington Convention & Visitors Bureau will drive innovative and sustainable destination growth, execute competitive marketing, sales and research strategies, increase revenue and industry investment opportunities, and strategically position Arlington as one of the top 10 visitor destinations in the nation.



ARLINGTON CVB MISSION STATEMENT

The Arlington Convention & Visitors Bureau markets and develops the city as a premier sports, business, and leisure entertainment destination to achieve new tourism spending benefits for the visitor industry, community and its residents.

ARLINGTON CVB FIVE STRATEGIC GOALS



DESTINATION MARKETING: ENHANCE BRAND AWARENESS

BRAND STRATEGY

Effective research-based destination brand strategy formulation with value proposition and messaging

REGIONAL INITIATIVE

Coordinated regional leisure/visiting friends & relatives (VFR) initiative

RESEARCH PROGRAM

An agreed-to multiyear marketing research program setup

PR & FAMs

Ongoing targeted public relations and onsite familiarization effort

AGENCY OF RECORD

Effective promotional agency of record partnership

INTERNATIONAL PARTNERSHIP

International visitor partnership program with Visit DFW and Brand USA

DESTINATION SALES AND SERVICES: INCREASE SALES CONVERSION

TRADESHOW & FAMILIARIZATION

Increased group tradeshow presence and familiarization hosting

LEISURE GROUP STRATEGIES

Enhanced leisure group sales strategies

SPORTS EVENTS

Further sports event sales investment

VOLUNTEER CORPS

Dedicated meeting and event volunteer corps

PARTNERS & CO-OP

Increased partner and co-op program growth

DESTINATION DEVELOPMENT: SUPPORT BRAND PLACE/EVENT DEVELOPMENT

DESTINATION DEVELOPMENT STRATEGY

Destination development strategy at

Destination development strategy and investment opportunities prospectus formulation with key CVB priority roles identified

SPECIAL EVENTS STRATEGY

Integrated CVB special event strategy and plan

VISITOR CENTER RELOCATION

CVB visitor center relocation analysis and strategy

ARTS/CULTURAL DISTRICT DEVELOPMENT

Arts/cultural district development involvement strategy

SPORTS FACILITIES

Updated sports facility assessment

DMO ADVOCACY AND COMMUNITY RELATIONS: ENGAGE COMMUNITY AUDIENCES

ADVOCACY STRATEGY

CVB/tourism researched-based advocacy strategy formulation and execution

CONVENTION CENTER EXPANSION

Convention center expansion communications support

PUBLIC TRANSPORTATION

Intermodal public transportation/trolley communications support

TPID

Ongoing TPID governance and communications

DMAP DESIGNATION

DMAP designation recognition achievement

DMO RESOURCES: ENSURE FINANCIAL AND ADMINISTRATIVE EFFECTIVENESS

22

FUNDING STRATEGY

Coordinated funding opportunity analysis and strategy including 501(c)3 foundation evaluation

25

TECHNOLOGY

Proactive technology needs assessment and recommendations

23

HUMAN RESOURCES STRATEGY

CVB human resources strategy and plan development

24

SPORTS COMMISSION

Sports commission formation and business plan



THANK YOU











COUNCIL COMMITTEE MEETING SCHEDULE

Tuesday, May 9, 2017

11:00 a.m. – 12:00 p.m. **Transportation and Municipal Infrastructure**

Arlington Conference Room A Kathryn Wilemon, Chair

Lana Wolff Robert Rivera Charlie Parker

12:15 p.m. – 12:45 p.m. **Finance and Audit**

Arlington Conference Room A

Charlie Parker, Chair Robert Shepard Sheri Capehart

Victoria Farrar-Myers

The Afternoon Council Meeting/Executive Session will begin at 1:15 p.m.



TRANSPORTATION AND MUNICIPAL INFRASTRUCTURE COMMITTEE

CITY OF ARLINGTON ARLINGTON CONFERENCE ROOM A - THIRD FLOOR 101 WEST ABRAM STREET ARLINGTON, TEXAS

MAY 9, 2017 11:00 A.M.

I. <u>CALL TO ORDER</u>

II. <u>NEW BUSINESS</u>

A. Small Cell Design Manual

60 minutes

B. Items and dates for future meetings

III. <u>ADJOURN</u>



WIRELESS SERVICES (SMALL CELLS) DESIGN MANUAL

Transportation and Municipal Infrastructure Council Committee Meeting

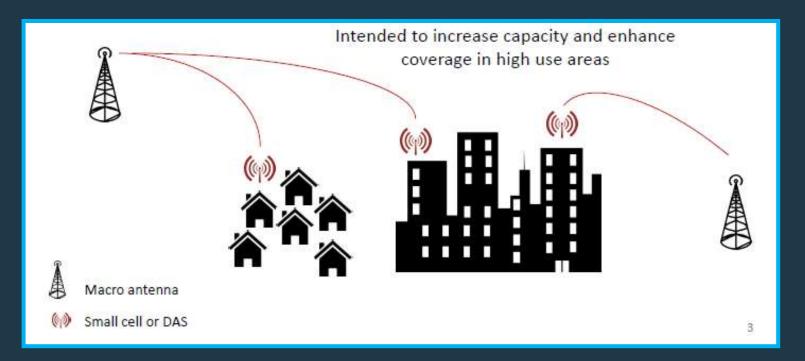
May 9, 2017



WHAT ARE SMART CELLS?



Mobile phone and voice and data relays placed strategically to add capacity, increase data speeds and enhance area coverage.



PROPOSED LEGISLATION - HB 2838



- Pre-emption of local authority to regulate City ROW
- Allows easy deployment "network nodes" from cell phone providers.
- Limits fees that municipalities can collect (permit fees, annual rates)
- Allows attachments on any type of poles located within public ROW









Chapter 284. Deployment of Network Nodes in Public Right-of-Way

ALLOWS FOR:

- 1. Attachment of network nodes on existing poles
- 2. Add new poles and attach network nodes









Chapter 284. Deployment of Network Nodes in Public Right-of-Way

Network Nodes

| Antenna without exposed elements | Antenna with exposed elements |
|------------------------------------|---------------------------------------|
| Inside enclosure of up to 6 cu.ft. | Imaginary enclosure of up to 6 cu.ft. |
| Up to 3 ft above existing pole | Up to 3 ft above existing pole |
| Protrude up to 2 ft from the pole | Protrude up to 2 ft from the pole |

Other Wireless Equipment associated with Network Node, attached to pole

- (i) Up to 28 cu.ft.
- (ii) Up to 5 ft tall
- (iii) Protrude up to 2 ft from the pole

Ground-based Enclosures, separate from pole

- (i) Height up to 3'6" from grade
- (ii) Width up to 3'6"
- (iii) Depth up to 3'6"

PROPOSED LEGISLATION - HB 2838 (CONTD)



Chapter 284. Deployment of Network Nodes in Public Right-of-Way

- Advance approval required from the City to install new poles/attachment on decorative poles or in historic districts.
- New Poles
 - Height shall not exceed the greater of:
 - (i) No greater than 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same ROW; or
 - (ii) 50 feet above grade
 - Not allowed in ROW < 50' wide, and adjacent to SF/MF residential lots developed or undeveloped.





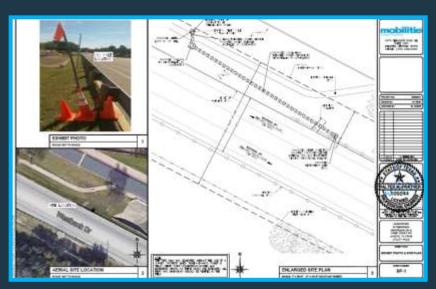
Chapter 284. Deployment of Network Nodes in Public Right-of-Way

- Sec. 284.108. DESIGN MANUAL.
- (a) A municipality may adopt a design manual for the installation and construction of network nodes and new node support poles in the public ROW that includes additional installation and construction details that do not conflict with this chapter.



- Design criteria
- Application requirements





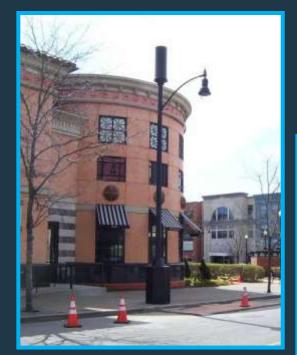


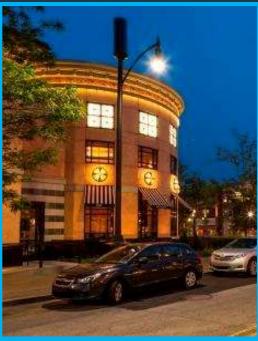
Attachment to Existing Poles

| Design Criteria | Application Requirements (ROW Permit & Electrical Permit) |
|--|---|
| Above ground facilities – concealed/enclosed as much as possible | Aerial Map & Street View |
| No aerial wires | Sealed engineering plans for structural stability |
| Electric meter – not to be mounted on pole | Scaled drawings of proposed above ground and under ground |
| Comply with visibility and accessibility standards, and not obstruct sidewalks | Before and after image/drawing |
| Vertical clearance & spacing | Interference analysis with existing |
| Color – to match existing pole color | |



- On Decorative poles
 - Conceal
 - Stealth pole







New Poles

| Design Criteria | Application Requirements (ROW Permit, Commercial Building Permit, and Electrical Permit) |
|--|--|
| Wooden poles prohibited. Break-away poles; black powder-coated | Aerial Map & Street View |
| Above ground facilities – concealed/enclosed as much as possible | Sealed engineering plans for structural stability (Will require building permit) |
| Electric meter shall not be mounted on the pole | Scaled drawings of proposed above ground and under ground |
| Comply with visibility and accessibility standards, and not obstruct sidewalks | Before and after street view image |
| Vertical clearance | Interference analysis with existing |
| | Spaced at least 300' of another capable pole |

DESIGN MANUAL - RECOMMENDATIONS



New poles encouraged to be shroud



WIRELESS DESIGN MANUAL



- Abandonment of network nodes and support poles
 - Relocation and removal at provider's expense
 - Restoration of ROW and infrastructure if damaged
- Other items covered:
 - Signage
 - Repair
 - Graffiti abatement
 - Inventory
 - Coordination with public works-meter key
 - Node support poles and ground equipment no closer than 2' from ROW line



Questions?

City of Arlington, Texas Wireless Services (Small Cells) Design Manual

I. Purpose

1.1. **Purpose**.

- A. The City of Arlington encourages the deployment of state-of-the-art small cell wireless technology within the City for the many benefits it promises the citizens of Arlington including increased connectivity and reliable networks and services.
- B. The standards and procedures provided in this *Wireless Services Design Manual* are adopted to protect the health, safety, and welfare of the public by minimizing and reducing impacts to public safety within the City's Right-of-Way and to minimize and reduce impacts to the City, its residents and visitors; and for the general health and welfare of the public.
- C.. Due to the increasing number of facilities in the City's Right-of-Way, the City has adopted the "Right-of-Way Management" Chapter which is applicable to all public service providers including Wireless Service Providers or Network Providers (collectively, "Providers") as defined by Chapter 284 of the Texas Local Government Code.
- D. In addition, the City has adopted this *Wireless Services Design Manual* to provide technical criteria and details necessary for Providers seeking to install and construct network nodes and node support poles in the City's Right-of-Way.
- E. Providers shall adhere to the requirements found in the "Right-of-Way Management" Chapter, Public Right-of-Way Permitting and Construction Manual and this *Wireless Services Design Manual* for the placement of their facilities within the City's Right-of-Way.
- F. To the extent of any conflict with the Public Right-of-Way Permitting and Construction Manual, this *Wireless Services Design Manual* shall control with regard to a Provider.

II. Definitions

For purposes of this *Wireless Services Design Manual* the following terms shall have the same meanings herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular include the plural. The word "shall" is always mandatory and not merely permissive.

A. "Abandon" and its derivatives means the network nodes and node support poles, or

portion thereof, that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the network nodes and node support poles, or portion thereof, has the ability to provide communications.

- B. "City" means the City of Arlington, Texas and the City's officers and employees.
- C. "Network node" means Provider's equipment as defined by Chapter 284 of the Texas Local Government Code.
- D. "Node support pole" means a pole as defined by Chapter 284 of the Texas Local Government Code.
- E. "Park" means the various properties under the direction, control and supervision of the City's Director of Parks and Recreation Department pursuant to the authority granted by City Council and the City Code of Ordinances.
- F. "Permit" means a document issued by the City authorizing installation, removal, modification and other work for Provider's network nodes or node support poles in accordance with the approved plans and specifications.
- G "Right-of-Way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include a private easement or the airwaves above a public right-of-way with regard to wireless telecommunications.
- H "Traffic Signal" means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.
- I. "Underground Utility District" means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground.

III. Permitting

3.1 **Attachment to Existing Poles**.

Prior to installation or modification of a network node or node support pole, Provider shall complete and submit to the City a Right-of-Way Permit application, along with standard required documents and the following items:

- A. Permit fee.
- B. Aerial Map showing the location of the existing pole to which the network node is proposed to be attached, and a street view image.

- C. Plans and drawings prepared by a professional engineer licensed in the State of Texas that has evaluated the existing pole or infrastructure for structural stability to carry proposed network nodes and can bear the wind load without pole modification or whether the installation will require pole re-enforcement. If pole re-enforcement is necessary, Provider shall provide engineering design and specification drawings for the proposed alteration to the existing pole. Any pole re-enforcement or replacement shall be at Provider's sole cost. All re-enforcement or replacement poles shall match the character of the pre-existing pole in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.
- D. Scaled dimensioned drawings or pictures of the proposed attachments of the network node to the existing poles or structures as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk, and other existing light poles and any other poles or appurtenances. This shall include a before-and-after image of the pole and all proposed attachments and associated standalone equipment.
- E. Scaled dimensioned construction plans indicating the current Right-of-Way line and showing the proposed underground conduit and equipment, and its spacing from existing utilities. The drawings shall also show a sectional profile of the Right-of-Way and identify all existing utilities and existing utility conflicts.
- F. If a City pole is proposed, the City pole ID number shall be provided.

The applicant needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components. It shall be the responsibility of the Provider to evaluate, prior to making the application for the permit, the compatibility between the existing City infrastructure and the Provider's proposed infrastructure. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on City's public safety radio infrastructure.

- G. A traffic control plan, SWPPP, and trench safety plan may also be required based on the proposed scope of work.
- H. The City issued Right-of-Way permit authorizes use of its Right-of-Way. Providers/applicants are responsible for obtaining permission on non-city-owned infrastructure. If the project lies within the State Right-of-Way, the applicant must provide evidence of a permit from the State.

I. Notification to adjacent residential developments/neighborhoods within 300 feet is required on all node attachments on City infrastructure.

The proposal shall comply with the following standards:

- I. Any facilities located off pole must remain in cabinetry or enclosed structure underground, except for the electric meter pedestal. Facilities on pole shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure.
- J. The electrical meter **shall not** be mounted on a City's metal pole or structure. Provider shall use 240 voltage when connecting to any City infrastructure and provide key to meter upon inspection.
- K. All attachments to a pole that are projecting, or any equipment or appurtenance mounted on the ground, shall comply with TAS, ADA and shall not obstruct an existing or planned sidewalk or walkway.
 - All proposed projecting attachments to the pole shall provide a minimum vertical clearance of eight (8) feet. If any attachments are projecting towards the street side, it shall provide a minimum vertical clearance of 16 feet.
- L. The color of the network nodes shall match the existing pole color such that the network nodes blend with the color of the pole to the extent possible. City reserves the right to deny a certain style of node due to its difference in color to pole.
- M. There shall be no other pole, with small cell attachments permitted/under application review, within 300 feet of the subject pole.

3.2 **Installation of New Poles.**

Prior to installation or modification of a node support pole, Provider shall complete and submit to the City a Commercial Building Permit application for the new pole, as well as a Right-of-Way Permit application. Along with standard required documents, the following items will also be required for the ROW Permit application:

- A. Permit fee.
- B. Map showing intended location of the node support pole. Aerial Map showing the location of the proposed new pole, and a street view image.
- C. The applicant will need to provide analysis showing that the proposed new node

- support pole is spaced at least three hundred (300) linear feet from another existing pole that is capable of supporting network nodes along the proposed location, unless otherwise approved by the City in writing.
- D. Scaled dimensioned drawings or pictures of the proposed node support pole as well as any other proposed equipment associated with the proposal, indicating the spacing from existing curb, driveways, sidewalk, light poles, and any other poles or appurtenances. This shall include a before-and-after street view image. The after-image needs to include the proposed pole and all proposed attachments and associated standalone equipment.
- E. Scaled dimensioned construction plans indicating the current Right-of-Way line and showing the proposed underground conduit and equipment, its spacing from existing lines. The drawings shall also show a sectional profile of the Right-of-Way and identify all existing utilities and existing utility conflicts.
- F. A traffic control plan, SWPPP, and trench safety plan may also be required based on the proposed scope of work.
- G. The applicant needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, or other communications components. It shall be the responsibility of Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed infrastructure. A network node shall not be installed in a location that causes any interference. Network nodes shall not be allowed on City's public safety radio infrastructure.
- H. If the project lies within the State Right-of-Way, the applicant must provide evidence of a permit from the State.
- I. Notification to adjacent residential developments/neighborhoods within 300 feet is required on all node support poles owned by provider.

The proposal shall comply with the following standards:

J. Any facilities located off pole must remain in cabinetry or enclosed structure underground. Facilities on pole shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. There shall be no external cables or electric wire/cables on pole or structures or aerial wires or cables extending from the pole or structure. Shroud poles, as shown in the below image, are encouraged.

- K. The electrical meter shall not be mounted on City's poles or structures. Provider shall use 240 voltage when connecting to any City infrastructure and provide key to meter upon inspection.
- L. The pole and all attachments to the pole that are projecting, or any equipment or appurtenance mounted on the ground shall comply with TAS, ADA and shall not obstruct an existing or planned sidewalk or walkway.
- M. Wooden poles are prohibited. All new poles are required to be break-away and black powder-coated. All attachments for the network nodes shall also match the color of the network support pole. All network support poles shall match the existing poles in the surrounding block or district in which the network support pole is located in order to blend into the surrounding environment and be visually unobtrusive. City reserves the right to deny a certain type of pole due to its differences.
- N. Upon approval of the permit, the Provider shall call for locates. If City of Arlington Water Utility locates are needed, Provider is required to contact Arlington Water Utilities at http://www.arlington-tx.gov/water/line-locate-process

3.3. **Electrical Permit**.

- A. Provider shall be responsible for obtaining any required electrical power service to the network nodes and node support poles or structures. Provider's electrical supply shall be separately metered from the City and must match City infrastructure voltage.
- B. Provider shall provide City with the electrical permit and provide sealed engineered drawings for conduit size, circuit size, calculations for Amp, distances running, etc.

IV. Network Node and Node Support Pole Requirements

4.1. **Installation**.

Provider shall, at its own cost and expense, install the network nodes and node support poles in a good and workmanlike manner and in accordance with the requirements promulgated by the *Wireless Services Design Manual*, "Right-of-Way Management" Chapter, Public Right-of-Way Permitting and Construction Manual and all other applicable laws, ordinances, codes, rules and regulations of the City, the state, and the United States ("Laws"), as such may be amended from time to time. Provider's work shall be subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or

replacement of the network nodes and node support poles shall be in compliance with all applicable Laws.

4.2 **Inspections.**

The City may perform visual inspections of any network nodes and node support poles located in the Right-of-Way as the City deems appropriate without notice. If the inspection requires physical contact with the network nodes or node support poles, the City shall provide written notice to the Provider within five business days of the planned inspection. Provider may have a representative present during such inspection.

In the event of an emergency situation, the City may, but is not required to, notify Provider of an inspection. The City may take action necessary to remediate the emergency situation and the City shall notify Provider as soon as practically possible after remediation is complete.

4.3. **Placement.**

- A. *Parks*. Placement of network nodes and node support poles in any Parks, Park roads, sidewalk, or property is prohibited unless such falls within the definition of Public right-of-way in Chapter 284 of the Texas Local Government Code and the placement complies with applicable Laws, private deed restrictions, and other public or private restrictions on the use of the Park.
- B. *City Infrastructure*. Provider shall neither allow nor install network nodes or node support poles on any City property that falls outside the definition of Public Right-of-Way in Chapter 284 of the Texas Local Government Code.
- C. Residential Streets. Provider shall neither allow nor install network nodes or node support poles in Right-of-Way that is adjacent to a street or thoroughfare that is not more than 50 feet wide and adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- D. *Historic District*. Provider shall neither allow nor install network nodes or node support poles in Right-of-Way that is within a Historic District as defined by Chapter 284 of the Texas Local Government Code, unless approved by the City in writing.
- E. Decorative Poles. Provider shall neither allow nor install network nodes on a Decorative Pole as defined by Chapter 284 of the Texas Local Government Code, unless approved by the City in writing. This standard shall be applicable to all the new decorative poles in the Entertainment and the Downtown Overlay District currently, as well as any others citywide in the future. The City may only entertain proposals, if they are stealth. See examples below.

- F. *Poles*. Wireless Facilities on a node support poles shall be installed at least eight (8) feet above the ground. If any attachments are projecting towards the street side, it shall provide a minimum vertical clearance of 16 feet.
- G. Right-of-Way. Node support poles and ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Node support poles and ground Way line. equipment or network nodes shall not impede pedestrian or vehicular traffic in the Right-of-Way. If a node support pole and ground equipment or network node is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way noncompliant with applicable Laws, including the American Disabilities Act, then Provider shall remove the node support poles, ground equipment or network nodes.





4.4 Fiber Connection.

Provider shall be responsible for obtaining access and connection to fiber optic lines or other backhaul solutions that may be required for its node support poles or network nodes.

4.5 Generators.

Provider shall not allow or install generators or back-up generators in the Right-of-Way.

4.6 **Equipment Dimensions**.

Provider's node support poles and network nodes shall comply with the dimensions set forth in Chapter 284 of the Texas Local Government Code.

4.7 Tree Maintenance.

Provider, its contractors, and agents shall obtain written permission from the City before trimming trees hanging over its node support poles and network nodes to prevent branches of such trees from contacting node support poles and network nodes. When directed by the City, Provider shall trim under the supervision and direction of the Parks

Director. The City shall not be liable for any damages, injuries, or claims arising from Provider's actions under this section.

4.8 **Signage.**

- A. Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the node support poles and network nodes that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City.
- B. Except as required by Laws or by the utility pole owner, Provider shall not post any other signage or advertising on the node support poles and network nodes, or utility pole.

4.9 **Overhead Lines Prohibited.**

In Underground Utility Districts, Provider shall neither allow nor install overhead lines connecting to node support poles. All overhead lines connecting to the node support pole where other overhead telecommunications or utility lines are or planned to be buried below ground as part of a project shall be buried below ground.

4.10 **Repair.**

Whenever the installation, placement, attachment, repair, modification, removal, operation, use, or relocation of the node support poles or network nodes, or any portion thereof is required and such installation, placement, attachment, repair, modification, removal, operation, use, or relocation causes any property of the City to be damaged or to have been altered in such a manner as to make it unusable, unsafe, or in violation of any Laws, Provider, at its sole cost and expense, shall promptly repair and return such property to its original condition. If Provider does not repair such property or perform such work as described in this paragraph, then the City shall have the option, upon 15 days' prior written notice to Provider or immediately if there is an imminent danger to the public, to perform or cause to be performed such reasonable and necessary work on behalf of Provider and to charge Provider for the reasonable and actual costs incurred by the City. Provider shall reimburse the City for the costs.

4.11 Graffiti Abatement.

As soon as practical, but not later than fourteen (14) days from the date Provider receives notice thereof, Provider shall remove all graffiti on any of its node support poles and network nodes located in the Right of Way.

4.12 **Inventory**

Provider shall maintain a list of its network nodes and node support poles and provide City an Inventory of locations within ten (10) days of installation. The Inventory of network nodes and node support poles shall include GIS coordinates, date of installation, City pole ID number (if applicable), type of pole used for installation, pole owner, and description/type of installation for each network node and node support pole installation.

Upon City's written request, Provider shall provide a cumulative Inventory within thirty (30) days of City's request. Concerning network nodes and node support poles that become inactive, the Inventory shall include the same information as active installations in addition to the date the network node and/or node support pole was deactivated and the date the network node and/or node support pole was removed from the Right-of-Way. City may compare the Inventory to its records to identify any discrepancies.

4.13 **Reservation of Rights.**

- A. The City reserves the right to install, and permit others to install, utility facilities in the Rights-of-Way. In permitting such work to be done by others, the City shall not be liable to Provider for any damage caused by those persons or entities.
- B. The City reserves the right to locate, operate, maintain, and remove City traffic signal poles in the manner that best enables the operation of its traffic signal system and protect public safety.
- C. The City reserves the right to locate, operate, maintain, and remove any City pole or structure located within the right-of-way in the manner that best enables the City's operations.

4.14 Coordination of Traffic Signal Maintenance Activities and Emergency Response

Provider will provide City a key to each meter box at the time of inspection and have the ability to temporarily cut-off electricity to its facilities for the safety of maintenance personnel. In the event of failure of components of the traffic signal system for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks, City will respond to restore traffic signal operations as a matter of public safety. Should the events that result in damage or failure of the traffic signal system also affect Provider's network nodes, Provider shall have the sole responsibility to repair or replace its network nodes and shall coordinate its own emergency efforts with the City.

V. Interference with Operations

5.1 **No Liability**

A. The City shall not be liable to Provider for any damage caused by other

Providers with Wireless Facilities sharing the same pole or for failure of Provider's network nodes for whatever reason, including damage resulting from vehicular collisions, weather related events, or malicious attacks.

B. The City shall not be liable to Provider by reason of inconvenience, annoyance or injury to the network nodes or node support poles or activities conducted by Provider therefrom, arising from the necessity of repairing any portion of the Right-of-Way, or from the making of any necessary alteration or improvements, in, or to, any portion of the Right-of-Way, or in, or to, City's fixtures, appurtenances or equipment. The City will use reasonable efforts not to cause material interference to Provider's operation of its network nodes or node support poles.

5.2 Signal Interference with City's Communications Infrastructure Prohibited.

- A. No interference. In the event that Provider's network nodes interferes with the City's traffic signal system, public safety radio system, or other City communications infrastructure operating on spectrum where the City is legally authorized to operate, Provider shall promptly cease operation of the network nodes causing said interference upon receiving notice from the City and refrain from operating. Provider shall respond to the City's request to address the source of the interference as soon as practicable, but in no event later than twenty-four (24) hours of receiving notice.
- B. Protocol for Responding to Event of Interference. The protocol for responding to events of interference will require Provider to provide the City an Interference Remediation Report that includes the following items:
 - 1. Remediation Plan. Devise a remediation plan to stop the event of inference;
 - 2. Time Frame for Execution. Provide the expected time frame for execution of the remediation plan; and
 - 3. Additional Information. Include any additional information relevant to the execution of the remediation plan.

In the event that interference with City facilities cannot be eliminated, Provider shall shut down the network nodes and remove or relocate the network node that is the source of the interference as soon as possible to a suitable alternative location made available by City.

C. Following installation or modification of a network node, the City may require Provider to test the network node's radio frequency and other functions to confirm it does not interfere with the City's Operations.

VI. Abandonment, Relocation and Removal

6.1 Abandonment of Obsolete Network Nodes and Node Support Poles

Provider shall remove network nodes and node support poles when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the network nodes and node support poles being abandoned or within 90 days of receipt of written notice from the City. When Provider removes or abandons permanent structures in the Right-of-Way, the Provider shall notify the City in writing of such removal or abandonment and shall file with the City the location and description of each network node or node support pole removed or abandoned. The City may require the Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

6.2 Relocation and Removal at Provider's Expense

- A. Provider shall remove and relocate its network nodes and node support poles at its own expense to an alternative location not later than one hundred twenty (120) days after receiving written notice that removal, relocation, and/or alteration of the network nodes and/or node support poles is necessary due to:
 - 1. Construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project or other public improvement project; or
 - 2. Maintenance, upgrade, expansion, replacement, removal or relocation of the City's pole or structure upon which Provider's network nodes are attached; or
 - 3. The network node or node support pole, or portion thereof, is adversely affecting proper operation of traffic signals, streetlights or other City property;
 - 4. Closure of a street or sale of City property; or
 - 5. Projects and programs undertaken to protect or preserve the public health or safety; or
 - 6. Activities undertaken to eliminate a public nuisance; or
 - 7. Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its network nodes or node support poles; or

- 8. Duty otherwise arising from applicable law.
- B. Provider's duty to remove and relocate its network nodes and node support poles at its expense is not contingent on the availability of an alternative location acceptable for relocation. City will make reasonable efforts to provide an alternative location within the Right-of-Way for relocation, but regardless of the availability of an alternative site acceptable to Provider, Provider shall comply with the notice to remove its network nodes and node support poles as instructed.
- C. The City may remove the network node and/or node support pole if provider does not remove such within one hundred twenty (120) days. In such case, Provider shall reimburse City for the City's actual cost of removal of its network nodes and node support poles within 30 days of receiving the invoice from the City.

6.3 Removal or Relocation by Provider

- A. If the Provider removes or relocates at its own discretion, it shall notify the City in writing not less than 10 business days prior to removal or relocation. Provider shall obtain all Permits required for relocation or removal of its network nodes and node support poles prior to relocation or removal.
- B. The City shall not issue any refunds for any amounts paid by Provider for network nodes and node support poles that have been removed.

6.4 **Restoration**

Provider shall repair any damage to the Right-of-Way, and the property of any third party resulting from Provider's removal or relocation activities (or any other of Provider's activities hereunder) within 10 days following the date of such removal or relocation, at Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Provider was granted a Permit for the applicable location, including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

6.5 **Provider Responsible**

Provider shall be responsible and liable for the acts and omissions of Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub lessees, and subcontractors in connection with the performance of activities within the City's right-of-way, as if such acts or omissions were Provider's acts or omissions.



FINANCE AND AUDIT COMMITTEE

CITY OF ARLINGTON
ARLINGTON CONFERENCE ROOM A – THIRD FLOOR
101 WEST ABRAM STREET
ARLINGTON, TEXAS

MAY 9, 2017 12:15 P.M.

I. <u>CALL TO ORDER</u>

II. <u>NEW BUSINESS</u>

A. Update on Water and Sanitary Sewer Connection Infrastructure Financing Program

30 minutes

B. Items and dates for future meetings

III. ADJOURN